

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CLARE PONTELLO,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 4:17-cv-00792
)	
U.S. BANK, N.A. AND MONARCH)	JURY TRIAL DEMANDED
RECOVERY MANAGEMENT, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COMES NOW Defendant U.S. Bank, N.A. ("U.S. Bank"), under 28 U.S.C. §§ 1367, 1441, and 1446, and files its Notice of Removal of the above-captioned cause of action from the Circuit Court, Saint Louis County, State of Missouri, Associate Division in which it is now pending, to the United States District Court for the Eastern District of Missouri, Eastern Division. As grounds for removing this action, U.S. Bank states as follows:

1. On or about January 6, 2017, Plaintiff filed a Petition and Jury Demand ("Petition") in the Circuit Court, Saint Louis County, State of Missouri, Associate Division, captioned *Clare Pontello, Plaintiff v. U.S. Bank, N.A. and Monarch Recovery Management, Inc., Defendants*, Case No. 17SL-AC00928.

2. The Summons and Petition were served on U.S. Bank on January 26, 2017.

3. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon U.S. Bank are attached hereto as **Exhibit A** (Summons and Petition). There were no other process, pleadings or orders served upon, or otherwise received by, U.S. Bank.

4. This Notice of Removal is being filed within thirty (30) days after the simultaneous service of the Petition and Summons on U.S. Bank and, therefore, is timely filed pursuant to 28 U.S.C. § 1446(b).

5. This Court has original jurisdiction over this action under 28 U.S.C. § 1331. The Court has federal question jurisdiction under 28 U.S.C. § 1441(a) and § 1331 because Plaintiff alleges that U.S. Bank violated the federal Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.* (Petition, ¶¶ 11-16, 29-38), and the federal Fair Debt Collection Practices Act (“FDCPA”), 15 USC § 1692, *et seq.* (Petition ¶¶ 17-18, 39-42).

6. 28 U.S.C. § 1331 provides that “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” The TCPA and the FDCPA both arise under federal law. Accordingly, this Court has jurisdiction over Plaintiff’s federal claims.

7. This action may be removed to this Court pursuant to 28 U.S.C. § 1441(a), which allows for the removal of any civil action brought in a State Court of which the District Courts of the United States have original jurisdiction, by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

8. Additionally, this Court has supplemental jurisdiction over the remaining state law claims because they “form part of the same case or controversy.” 28 U.S.C. § 1367(a).

9. The United States District Court for the Eastern District of Missouri is the District Court for the district embracing St. Louis County, where the action is currently pending in Circuit Court. *See* 28 U.S.C. § 105(a)(1).

10. Venue is therefore proper in this district under 28 U.S.C. § 1441(a).

11. Counsel for U.S. Bank has contacted Monarch Recovery Management, Inc., and obtained its consent to remove this action to federal court. A copy of the correspondence confirming Monarch Recovery Management, Inc.'s consent is attached as hereto as **Exhibit B**.

12. Contemporaneously herewith, U.S. Bank provided Plaintiff with written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d).

13. Pursuant to the requirements of 28 U.S.C. § 1446(d), U.S. Bank filed a copy of this Notice of Removal with the Clerk of the Circuit Court of St. Louis County, Missouri, Associate Division.

14. U.S. Bank has given the undersigned attorneys authority to sign and file this Notice of Removal.

15. A completed Original Filing Form is attached hereto as **Exhibit C**.

16. A completed Civil Cover Sheet is attached hereto as **Exhibit D**.

17. U.S. Bank expressly reserves its right to raise all defenses and objections to Plaintiff's claims after the action is removed to the above Court.

WHEREFORE, U.S. Bank respectfully requests this action be removed to this Court, and respectfully requests that this Court exercise its subject matter jurisdiction over this action and grant such other relief as the Court may deem just and proper.

Dated: February 24, 2017

Respectfully submitted,

THOMPSON COBURN LLP

By: /s/ Matthew D. Guletz

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Attorneys for Defendant U.S. Bank, N.A.

CERTIFICATE OF SERVICE

I hereby certified that on February 24, 2017, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system. I hereby certify that on February 24, 2017, I have served a copy of the foregoing by first-class mail, postage prepaid on:

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/s/ Matthew D. Guletz